

Message Text

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ACTION L-02

INFO OCT-01 ARA-10 ISO-00 IO-10 OIC-02 JUSE-00 SP-02

CIAE-00 INR-07 NSAE-00 PA-02 RSC-01 USIA-15 PRS-01

EB-07 COME-00 /060 W

----- 112841

R 311334Z JAN 75

FM AMEMBASSY PANAMA

TO SECSTATE WASHDC 2922

INFO USUN NEW YORK 469

UNCLAS PANAMA 0621

USUN FOR AMB KEARNEY

EO 11652: N/A

TAGS: OCON, OAS, PN

SUBJ: INTER-AMERICAN SPECIALIZED CONFERENCE ON PRIVATE

INTERNATIONAL LAW

1. CONFERENCE ADOPTED CONVENTION ON FOUR TOPICS IN WHICH U.S. PARTICULARLY INTERESTED: SERVICE OF DOCUMENTS, TAKING OF EVIDENCE ABROAD, INTERNATIONAL COMMERCIAL ARBITRATION, AND POWERS OF ATTORNEY FOR USE IN FOREIGN COUNTRIES. CONFERENCE ALSO ADOPTED CONFLICT OF LAWS CONVENTIONS ON (A) BILLS OF EXCHANGE, PROMISSORY NOTES AND INVOICES AND (B) CHECKS.

2. CONVENTIONS ON SERVICE OF DOCUMENTS AND TAKING OF EVIDENCE ABROAD FOLLOW GENERAL LINES OF HAGUE CONVENTIONS THOSE SUBJECTS, RATHER THAN PROPOSALS OF JURIDICAL COMMITTEE. BOTH CONVENTIONS PROVIDE FOR CENTRAL AUTHORITY. IN EVIDENCE CONVENTION WE MANAGED SECURE DELETION OF ALL ARTICLES RELATING TO PROOF OF FOREIGN LAW. ACTIVE COOPERATION OF BRAZIL, CHILE, GUATEMALA, MEXICO AND URUGUAY IN CHANGING STRUCTURE OF CONVENTIONS ABSENCE OF OPPOSITION TO NEW FEATURES EMBODIED THEREIN SUGGESTED REASONABLE PROSPECTS FOR THEIR RATIFICATION. DEL RECOMMENDS THAT TEXTS BE SUBMITTED TO UNCLASSIFIED

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ORGANIZATIONS REPRESENTED ON ADVISORY COMMITTEE ON PRIVATE

INTERNATIONAL LAW FOR STUDY AND RECOMMENDATION.

3. INTERNATIONAL COMMERCIAL ARBITRATION CONVENTION PROVED TO BE COMPATIBLE WITH UN CONVENTION ON FOREIGN ARBITRAL AWARDS, TO WHICH U.S. IS PARTY.

4. POWERS OF ATTORNEY CONVENTION CONTAINS NUMBER OF EXCELLENT FEATURES BUT WAS FLAWED IN EFFORT PICK UP SUFFICIENT VOTES FOR ADOPTION OVER OPPOSITION OF NUMBER OF COUNTRIES, NOTABLY COLOMBIA AND CHILE, THAT WERE UNWILLING TO MAKE ANY CHANGES IN THEIR PRACTICE OF SUBMITTING ALL FOREIGN POWERS TO REQUIREMENTS AND PROCEDURES OF THE PLACE WHERE THEY ARE TO BE EXERCISED. CONSENSUS SEEMS TO BE THAT THIS CONVENTION HAS LESS CHANCE FOR SUCCESS THAN THOSE MENTIONED PARAS 2 AND 3.

5. IN ACCORDANCE WITH INSTRUCTIONS USDEL ANNOUNCED AT OUTSET OF WORK ON BILLS OF EXCHANGE AND CHECKS ITS PREFERENCE FOR GLOBAL RAHTER THAN REGIONAL APPROACH DEALING WITH THOSE SUBJECTS. CONVENTIONS ADOPTED FOLLOW GENERAL OUTLINES OF JURIDICAL COMMITTEE DRAFT ON BILLS OF EXCHANGE. US DEL PLAYED LIMITED ROLE IN DEBATE ON THESE TOPICS AT CONFERENCE, PREFERRING TO CONCENTRATE ON FOUR PRIORITY TOPICS DISCUSSED ABOVE.

6. FROM OPENING DAY OF CONFERENCE THERE WERE COMPLAINTS FROM NEARLY ALL DELEGATIONS THAT SUCCESS OF CONFERENCE HAD BEEN IMPERILED BY GENERALLY POOR QUALITY OF JURIDICAL COMMITTEE DRAFTS. IN ORDER AVOID REPETITION THIS RISK, CONFERENCE ADOPTED RESOLUTION PROPOSED BY VALLADAO (BRAZIL RECOMMENDING THAT GENERAL ASSEMBLY CONVOKE A MEETING OF GOVERNMENTAL SPECIALISTS IN PRIVATE INTERNATIONAL LAW TO PREPARE STUDIES AND DRAFTS FOR SECOND INTER-AMERICAN CONFERENCE ON PRIVATE INTER-NATIONAL LAW IN 1976-78 FISCAL PERIOD.

7. SEPTEL FOLLOWS ON DECISION OF CONFERENCE NOT RPT NOT TO ADOPT RESOLUTION ON MULTINATIONAL CORPORATIONS.
JORDEN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 31 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975PANAMA00621
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750036-0879
From: PANAMA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975013/aaaaabsk.tel
Line Count: 98
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: greeneet
Review Comment: n/a
Review Content Flags:
Review Date: 04 DEC 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 DEC 2003 by MaustMC>; APPROVED <30 DEC 2003 by greeneet>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: INTER-AMERICAN SPECIALIZED CONFERENCE ON PRIVATE INTERNATIONAL LAW
TAGS: OCON, PN, OAS
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006